

The Lawyer's Mind: Multitasking

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*I know how to multitask
Connecting to the Wi-Fi
Went from nerd to superb
-Madonna, "I Don't Give A"*

Multitasking is a word, and unfortunately a process, well-known to lawyers. Recently, when a young colleague boasted how well he multitasks, my inner voice groaned. I debated whether to argue or retreat. Rather than challenging the self-confidence of the younger lawyer, I moved on. My experience is that the proponent of an opinion not grounded in science may already be thinking of something else by the time I formulate a response with kind words. I imagine the erroneous thoughts of others pinballing around from target to flipper to target in a random manner. My belief is that the training and practice of law has our minds set to spring into defensive or offensive action to meet any suspect statement or query. It is the nature of the business we have chosen.

The Science

In case anyone is uninitiated in the concept, multitasking involves either doing more than one task simultaneously or juggling several things at the same time. The first published use of the word multitask appeared in an IBM paper describing the capabilities of the IBM System/360 in 1965. Science commonly refers to it as task switching or dual tasking. Task switching involves shifting one's attention from one thing to another. Dual tasking is dividing attention among multiple things at once. The reality is that our mental ability is limited to one thinking function at a time, so the cognitive process is continual not continuous. It is serial shifting rapidly back and forth

between tasks rather than part of our brain doing one task and a different part doing another simultaneously. In short, two or more mental activities are not being done precisely in an overlapping manner. Decisions are made in succession with imperceptible time gaps separating them.

This is distinguishable from mental and physical activities, which do occur in a simultaneous way. We can and do chew gum and walk at the same time. Automatic and default "decisions" are preprogrammed and may occur without conscious choice. We can drive while listening to music and thinking about the next moves in the case-at-hand without incident. If we are proficient at two tasks, then rapid attention shifts can efficiently occur, but it is likely there is still a loss or waste of energy compared to performing each task to completion independently. Multitasking can result in time wasted due to human context switching and becoming prone to errors due to insufficient attention. It can also affect our well-being.

Gloria Mark, a professor at the University of California, Irvine, and a leading researcher on attention and multitasking, states: "The science consistently shows that multitasking causes stress — our blood pressure rises, our heart rate increases — and this matches our own perception that we feel more stressed. Even our immune response against disease has been shown to weaken when we multitask."

The research by Mark and others illustrates some of the other downsides to multitasking. Trade-offs and adjustments are inherent in multitasking. The term

psychological refractory period (PRP) is the time frame during which the response to a second stimulus is significantly slowed because the first stimulus lingers during the transition. This causes a delay in response time that may have negative effects on the deliverables of the new task. The brain is unable to fully engage on the one task at hand, allowing errors and a slower completion time. The brain must restart and refocus, with a risk of not being able to pick up at an optimal place or forgetting critical data. A study showed that in the interim between each exchange, the brain made no progress. Other research has shown that the interruptions may create intrusive or disruptive thoughts on irrelevant matters during the transition period.

A small study of seven participants suggests that there are people who can learn to become better at multitasking. In this 2008 study, individuals initially performed poorly but, after some training, were able to adeptly perform the tasks simultaneously. Their brain scans showed that the prefrontal cortex quickened its ability to process the information. The study, however, also indicated that the brain is incapable of performing multiple tasks even after extensive training, concluding that while it can become adept at processing and responding to certain information, it cannot truly multitask.

There is enough time in the course of a day if you do one thing at once, but not enough time in a year if you do two things at a time.

-Lord Chesterfield, 1740s

Cognitive Fracture; Attention Behavior

Although intrusive distractions have always been with us, our immersion in the electronic realm for work, personal and consumer activities is reality without escape. More and more routine functions are digitalized, making it difficult to navigate the daily living without a smartphone. The phone's functions, including texting and internet access, are now necessary to travel, dine, make appointments, access records, find people and places, and often do the basic chores of our work — especially with the shift to a work from anywhere and anytime culture. We are usually wired and only disconnected by choice in those rare moments when we do not have to be accessible. People cope and accommodate by multitasking; lawyers by squeezing billable time or downtime from any available moment.

Professor Mark notes that people spend an average of only 47 seconds on any one screen before shifting their

attention. When performing a task with many steps or stages, it may take 25 minutes to restore full concentration following an interruption. Mark's research indicates that most people interrupt themselves more than they are distracted by others. Our senses are overstimulated by the perpetual motion of disruptions that diminish concentration and the peace of mind required to think. She states that shifting attention "results in work becoming fragmented, drains cognitive resources, is bad for productivity, and can lead to cumulative stress, which can negatively impact health."

I take showers to think.

-Albert Einstein

How To Do Better

Even if we have not consciously thought about it and taken active steps to improve our attention behavior, most people prioritize tasks and try to create the appropriate environment to complete the routine tasks and unique projects that arise in a day or week. As basic as it sounds, this is a matter of planning out the work period, including the next calendar day. Productivity can be increased by understanding what can be achieved by what I consider "multitasking the mindless." These are tasks and duties that meet the following criteria: Routine, Inconsequential, Soft and Knowledgeless (RISK). These are low-end targets that are inherent in your work or personal life. Many can be done mostly on autopilot/default modes and delayed if not completed as planned. They are "soft" in the context of your work or life in the sense that the performance can be good enough rather than perfect. Your knowledge, creativity, insights and skills as a lawyer are not required resources.

High-end goals and projects can only attain "as good as it gets" with space for sound decision-making. There must be a plan to concentrate, contemplate, discuss, reflect, consider, and revisit. I dub this the SPHERE process: Space, Privacy, Heady, Engage, Reflect, Enhance. This is the opposite of multitasking. You do one thing, and only one project, while in the SPHERE you designed and created. You plan a time and place that you alone occupy so you can fully focus by engaging and embracing the task. You do not finish law school, pass the bar or handle important matters for clients without evolving and understanding at least on a subconscious level how you reach peak performance. I believe most of us do our best thinking and deciding when we are unplugged and in a comfortable and safe harbor, shielded from electronic distraction.

Summary

Set some time aside to think about multitasking and how it fits into your current routines. Do not fool yourself in thinking you can multitask effectively for many things at many times. Be deliberate on improving your attentions span by creating positive attention behavior habits.

Takeaways

- Overconfidence in ability to multitask is common
- Multitasking causes cognitive fracture, inefficiency, errors, and stress
- RISK
- SPHERE

Notes

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